

## Message Text

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ORIGIN EB-07

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APPROVED BY: EB/AN:MHSTYLES

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FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ

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FOLLOWING SENT ACTION SECSTATE, INFO BUENOS AIRES, JAN 27,  
FROM LIMA RPTD TO YOU:

QUOTE LIMITED OFFICIAL USE LIMA 0713

EO 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR CONSULTATIONS

REF: LIMA 0678

THERE FOLLOWS AN UNOFFICIAL TRANSLATION OF GOP STATEMENT  
REFERRED TO IN REFTEL:

IN RESPONSE TO YOUR COMMUNICATION OF YESTERDAY, JANU-  
ARY 23, IN WHICH YOU INFORMED US OF THE DECISIONS OF THE  
GOVERNMENT OF THE U.S. ABOUT THE PRESENT AND FUTURE SITUATION  
OF BRANIFF IN OUR COUNTRY AND OF AEROPERU IN THE U.S; IN  
COMPLIANCE WITH THE INSTRUCTIONS OF MY GOVERNMENT, I WISH TO  
SAY:

1. THE BRANIFF'S OPERATING PERMIT CONTAINED IN  
SUPREME RESOLUTION NO. 0156-74-TC/AE WILL BE COMPLIED  
WITH AS SET FORTH IN SUPREME RESOLUTION NO. 0002-75-TC/E  
BEGINNING FEBRUARY 1, 1975, SINCE THAT OPERATING PERMIT IS  
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SUBJECT TO PERUVIAN LEGISLATION AND THE PRINCI-

PLES AND NORMS OF THE AIR TRANSPORT AGREEMENT BETWEEN THE U.S. AND PERU, AND ITS ANNEXES AND AMENDMENTS.

WITHIN THIS FRAME OF REFERENCE MY GOVERNMENT FINDS IT INEXPLICABLE THAT THE CONDITIONS OF THE PERMIT SHOULD BE UNACCEPTABLE TO BRANIFF AND PROFOUNDLY DEPLORES THAT THE USG IS IN AGREEMENT IN THIS REGARD.

THE AERONAUTICAL AUTHORITIES OF PERU, TAKING DUE NOTE THAT BRANIFF WILL CONTINUE OPERATING IN OUR COUNTRY AS OF NEXT FEBRUARY 1, IN KEEPING WITH THE TERMS OF THE OPERATING PERMIT CONTAINED IN SUPREME RESOLUTION NO. 0156-74-TC/AE REFERRED TO ABOVE AND IN KEEPING WITH SUPREME RESOLUTION NO. 0002-75-TC/AE MUST NEVERTHELESS MAKE CLEAR THAT SUCH OPERATIONS BY BRANIFF SHALL BE CARRIED OUT IN CONFORMITY WITH THE ITINERARIES REFERRED TO IN OUR LAW, AS PROPOSED BY THE AIRLINE, SUBJECT TO THE APPROVAL OF THE NATIONAL AERONAUTICAL AUTHORITIES.

2. THE APPLICATION OF PERUVIAN LAW AND OF THE PRINCIPLES AND NORMS OF THE AIR TRANSPORT AGREEMENT, ANNEXES AND AMENDMENTS THEMSELVES CAN NEITHER JUSTIFY, NOR EXPLAIN THAT A FUTURE SUSPENSION OF BRANIFF'S SERVICE TO PERU, BY THE UNILATERAL DECISION OF THIS SAME AIRLINE, SHOULD BRING ABOUT THE SUSPENSION OF AEROPERU'S SERVICE TO THE U.S. BY DECISION OF THE USG.

SUCH SUSPENSIONS OF SERVICES, IF CARRIER OUT, WOULD CONSTITUTE A VOLUNTARY ACT ON THE PART OF BRANIFF, AND A UNILATERAL AND HOSTILE ACT ON THE PART OF THE USG.

THE GOP TAKES CAREFUL NOTE OF THE ADVICE BY THE USG, OF THE SUSPENSION OF AEROPERU'S SERVICES WITHIN A PERIOD OF 30-45 DAYS, REFERRED TO IN ITS COMMUNICATION, AND GIVES NOTICE THAT, IF CARRIER OUT, IT WOULD BE IN VIOLATION OF THE US/PERU AIR TRANSPORT AGREEMENT AND ITS ANNEXES AND AMENDMENTS AND AGAINST ALL PRINCIPLES OF LAW.

3. IN OUR NUMBEIOUS MEETINGS, THE PERUVIAN AIR AUTHORITIES AND THOSE OF AEROPERU HAVE STRUGGLED TO FIND A LIMITED OFFICIAL USE

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SOLUTION FAVORABLE TO THE INTERESTS OF BOTH COUNTRIES. UNFORTUNATELY, WE ALWAYS CAME UP AGAINST THE EXCESSIVE AMBITION OF BRANIFF AND ITS THREAT TO SUSPEND ITS SERVICE TO PERU AND TO OBTAIN THE SUSPENSION OF THE SERVICE OF AEROPERU TO THE U.S., IF BRANIFF'S FREQUENCIES WERE NOT ONLY NOT REDUCED, BUT EVEN NOT INCREASED FROM 34 TO 42, AND IF ALL OF THEIR REQUIREMENTS WERE NOT MET BY THE PERUVIAN AUTHORITIES.

4. FINALLY, IF THE U.S. IS READY TO NEGOTIATE WITH PERU ON A BASIS OF RECIPROCITY AND JUSTICE WITH RESPECT TO EQUAL RIGHTS OF BOTH PARTIES AND THE RATIONAL PURPOSE OF COMMON AIR DEVELOPMENT, IT IS WORTH SAYING THAT IF NEGOTIATIONS ARE UNDERTAKEN KEEPING IN MIND AND RESPECTING THE PRINCIPLES OF THE AIR TRANSPORT AGREEMENT, ITS ANNEXES AND AMENDMENTS; OUR DOORS ARE ALWAYS OPEN AND OUR AUTHORITIES ARE PREPARED TO LISTEN TO THE PROPOSALS THAT THE USG MIGHT WISH TO SUBMIT FOR OUR JOINT CONSIDERATION. BARNEBEY UNQUOTE. KISSINGER

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## Message Attributes

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